IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 20949 of 2006(R)

OS.97/2005 of SUB COURT, TIRUR

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PETITIONERS:

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1. PARAYAMBATTU BABU,
   RESIDING AT RAYARIMANGALAM AMSOM, DESOM,
   TIRUR TALUK, MALAPPURAM DISTRICT.

2. DEVADASAN, DO.DO.

3. RAMAKRISHNAN, DO.

BY ADV. SRI.K.RAMACHANDRAN
SMT.R.MEERA
SRI.K.MOHAMMED FAISAL NAHA
SMT.RESHMI RAMKUMAR

RESPONDENTS:

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1. PARAYAMBATTU DAMODRAN, RESIDING AT
   PARAYAMBATTU HOUSE, RAYIRAMANGALAM AMSOM, DESOM,
   TIRUR TALUK, MALAPPURAM DISTRICT.

2. APPU, RESIDING AT DO.DO.

3. SOUMINI, RESIDING AT DO.

4. KUNJIMON @ VELAYUDHAN, DO.DO.

5. DEVAKI, DO.DO.

6. SHEEBA, DO.DO.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.20949/06

APPENDIX

PETITIONERS' EXTS:

EXT.P1 – TRUE COPY OF AFFIDAVIT IN I.A.721/06 IN O.S.97/05 FILED ON 6.6.06.

/TRUE COPY/

PIUS C. KURIAKOSE, J.

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W.P.(C)No.20949 OF 2006

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DATED THIS THE 3RD JULY, 2007

J U D G M E N T

This Writ Petition is remaining defective and the learned counsel for the petitioners seeks 10 days' time for curing the defects. But having gone through the averments in the Writ Petition as well as the prayers therein, I am of the view that the only relief which the petitioners can legitimately aspire for is relief B which is a direction to the execution court to dispose of I.A.No.721 of 2006 expeditiously. In fact, noticing the above prayer, this Court on 9.8.2006 called for a report from the Sub Court, Tirur regarding the present status of I.A.No.721 of 2006 in O.S.No.97 of 2005 and as to why orders are not passed in that I.A. and also to inform the time required for disposing of the same. A report accordingly has been forwarded to this Court by the learned Subordinate Judge on 21.8.2006. The report is fairly convincing. The learned Judge cannot be blamed for not disposing of the I.A. till 21.8.2006. In the report the learned Sub Judge also says that he will be able to dispose of the I.A. within one month of service of notice on the remaining respondents. In all probability, service of notice on the remaining respondents in the I.A. is already completed and the I.A. itself is disposed of.

The Writ Petition will stand disposed of issuing the following directions:-

The Subordinate Judge, Tirur is directed to dispose of I.A.No.721 of 2006, if not already disposed of, after doing whatever is necessary for completing service of notice on the respondents in that I.A., within two months of receiving copy of this judgment.

(PIUS C.KURIAKOSE, JUDGE)

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